The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 5, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 260—*L. C. Enc. 1, dated* 21*st December* 1910.

Under Rule 32 of the Rules for the Conduct of Business of the Mysore Legislative Council, the following Bill to amend the Indian Evidence Act (I of 1872) as in force in Mysore is published for general information, with a statement of objects and reasons.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

A Bill to amend the Indian Evidence Act as in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mysore, *viz.*,—

"77 A. (1) The provisions of Sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the Officer in charge of the Palace Establishments, Mysore, relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the Officer in charge of the Palace Establishments, Mysore, shall, if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

2. The following shall be inserted under Section 123 of the said Act, *viz.*:—

"123 A (1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Officer in charge of the Palace Establishments, Mysore, or applies to him for certified copies thereof under the provisions of Section 76 of this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuse to do so.

(2) Whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of Sub-section 1 of this section shall not apply to a suit or other proceeding to which the Officer in charge of the Palace Establishments, Mysore, is, in his official capacity, himself a party."

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that considerable inconvenience is at present experienced by the Officer in charge of the Palace Establishments, Mysore, in his having to attend to requisitions of civil courts for the production in court, at the instance of private parties, of accounts and other documents connected with the affairs of the Palace. Under the existing law, the production of these papers cannot be refused by the Palace Officer; nor are certified copies of these ordinarily admissible in evidence. Requisitions by courts for such papers have very largely increased of late years and as, not infrequently, they are vague and indefinite, the Officer in charge of the Palace Establishments is put to a great deal of trouble and inconvenience. With the view, therefore, of minimising this inconvenience, while affording all reasonable facilities to private parties desiring the production of Palace papers in courts, it has been considered desirable to amend the law of evidence so as to allow certified copies of these documents being admitted in evidence. It is found necessary to empower the Palace Officer to withhold the production of these documents or to refuse the grant of certified copies if, considering the nature of the documents sought to be produced, he deems it undesirable that they should be made available to the public. In such cases, the interests of private parties are specially safeguarded by providing that whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce, or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies shall not be admitted in evidence against any of the parties who objects to their being so admitted.